THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.9825 of 2007

MONDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND SEVEN

Between:

Alampur Yogender Swamy, S/o. Srinivasulu,
Aged about 27 years, Occ: Student, R/o.H.No.16-B,
Old Lancer Lines, Rifle Range, Secunderabad.

… Petitioner

And

NTR University of Health Sciences, rep. by its
Vice-chancellor, Vijayawada, Krishna District,
And others.

… Respondents

Order:

This writ petition has been filed seeking Mandamus to declare the action of the respondents in not properly valuing Part-I of Paper II, in the subjects of Social and Preventive Medicine and Ophthalmology, written by the petitioner as arbitrary and illegal.

2. Petitioner, a student of M.B.B.S. course in the third respondent

college, appeared for examinations of third year in October, 2006. When results were announced, he was declared failed in Part-I of the aforesaid subjects – he could secure 62 marks out of 130, while 65 is the pass mark. Dissatisfied with the marks he secured, he applied to the second respondent for recounting. The case of the petitioner is that recounting was done in his presence, wherein he noticed that marks given to the answers he has given for question Nos.2 and 6 were struck off and lesser marks were awarded. His grievance is that though he fared well in the said examination, respondents have not properly valued the answers given by him.

3. Respondents have filed counter affidavit stating that in the subjects of Social and Preventive Medicine and Ophthalmology, petitioner did not secure minimum marks in theory, and, as such, he was declared failed. It is further stated that the answer scripts were identified by the petitioner on 02-02-2007 and after re-totalling, he acknowledged it to be correct. With regard to the allegation of the petitioner that questions Nos. 2 and 6 were not valued properly, it is stated that the same were verified thoroughly by two examiners, wherein no change was found in the marks originally awarded to him and a report has also been submitted to that effect.

4. Except the petitioner's own assessment there is no other material to show that he was awarded less marks than he had expected. It is to be seen that expectation of students is not the criterion for awarding marks. It is for the examiners, who are experts in the field, to look into a particular answer and make their own assessment for awarding marks, having regard to the nature of question and the way in which the student answers it. Respondents have recounted the answer scripts of the petitioner as requested by

him, whereby no change was found in the marks, which were previously awarded to him and he has also acknowledged it to be correct. It is well settled that unless there is a provision for revaluation under the regulations framed by a University, the request of a candidate, who claims to have fared well in the examinations, to revalue his answer scripts, cannot be entertained. Hence, no direction as sought for can be given.

5. The writ petition is devoid of merits and is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

July 2, 2007
MRR